

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

GERALD R. MOLLOHAN, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:13-cv-32251

DONALD PRICE, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Plaintiffs' Motion for summary judgment. (ECF 85-2.) By Standing Order entered on April 8, 2013, and filed in this case on December 16, 2013, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and recommendations for disposition ("PF&R"). (ECF 4.) Magistrate Judge Tinsley filed his PF&R on September 4, 2015, recommending that this Court deny without prejudice Plaintiffs' motion for summary judgment (ECF 85-2) and all similar requests for summary judgment and permanent injunctive relief contained in ECF Nos. 82, 91, 92, and 95. (ECF 116.)

This Court is required to "make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings and recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150


(1985). In addition, this Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Plaintiffs timely filed objections on September 18, 2015. (ECF 125.) Plaintiffs generally object to the PF&R’s conclusion that the plaintiffs’ requests for summary judgment are premature, but do not make any specific allegations of error. Because Plaintiffs make only “general and conclusory allegations that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations,” *Orpiano*, 687 F.2d at 47, the Court need not conduct a de novo review of any part of the PF&R. Accordingly, the Court **ADOPTS** the PF&R, **DENIES WITHOUT PREJUDICE** Plaintiffs’ motion for summary judgment, (ECF 85-2), and **DENIES WITHOUT PREJUDICE** all similar requests for summary judgment and permanent injunctive relief contained in ECF Nos. 82, 91, 92, and 95. The Court leaves this matter referred to Magistrate Judge Tinsley for additional proceedings concerning the Plaintiffs’ remaining claims.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 22, 2015



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE